

**THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

THOMAS ARMSTRONG, et al.,

Plaintiffs,

v.

INTERACTIVE BROKERS LLC,

Defendant.

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) Case No. 07-C-6916  
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) Hon. Ronald A. Guzman  
)  
) Magistrate Judge Sidney I. Schenkier  
)  
) REMOVAL OF ACTION FROM  
) THE CIRCUIT COURT OF  
) COOK COUNTY, ILLINOIS  
) PURSUANT TO 28 U.S.C. §1441(a)  
) (DIVERSITY OF CITIZENSHIP)  
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**MOTION OF DEFENDANT INTERACTIVE BROKERS LLC,  
FOR LEAVE TO FILE INSTANTER AN OVERLENGTH MOTION TO DISMISS**

Defendant Interactive Brokers LLC (“Interactive”), by its undersigned counsel, respectfully moves this Court for leave to file *instanter* its **Motion To Dismiss and Memorandum in Support of Motion to Dismiss** (hereinafter the “Motion to Dismiss,” attached hereto as Exhibits A & B) in excess of the fifteen-page limit set forth in Local Rule 7.1, and that such Motion to Dismiss be considered filed *nunc pro tunc* with the instant Motion. In support hereof, Defendant states as follows.

1. The interests of justice and fairness to the parties necessitates a full briefing of the issues raised in Plaintiffs’ Complaint. The 45-page Complaint involves allegations of (1) aiding and abetting fraud and breaches of fiduciary duty, (2) wanton and willful misconduct, (3) acting in concert, (4) negligence, (5) negligent training and supervising of employees, and (6) unjust enrichment. Each one of these issues is integral to the Motion to Dismiss. The aiding and abetting claims are relatively new causes of action under Illinois law. Interactive respectfully

submits that a full and fair briefing of the sheer volume of issues requires an opposition in excess of the 15 pages allowed pursuant to Local Rule 7.1.

2. Due to both the complexity and multiplicity of issues presented by the Motion to Dismiss, Interactive cannot adequately address all necessary issues in fifteen pages.

3. Defendant, by counsel, has made a good faith effort to prepare its Motion to Dismiss within the page limit set forth in Local Rule 7.1, and hereby represents to the Court that permission to exceed that limit by four pages is necessary to effectively and fairly present its positions.

4. Defendant's counsel consulted with Plaintiffs' counsel, Peter Berman, and he has no objection to this Motion.

WHEREFORE, Interactive asks this Court to permit the filing *instanter* of a Motion to Dismiss in excess of the fifteen-page limit set forth in Local Rule 7.1, and that such Motion to Dismiss be considered filed *nunc pro tunc* with the instant Motion, and for any further relief as the Court deems appropriate.

**Dated:** January 11, 2008.

Respectfully submitted,

**KATTEN MUCHIN ROSENMAN LLP**

By: /s/Ted. S. Helwig

Counsel for Defendant Interactive Brokers, LLC

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